

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRYAN A. LOPEZ AGUILAR, on behalf of
himself and others similarly situated,

Plaintiff,

-against-

EMPIRE BAGELS HARRISON INC., et al,

Defendants.

ORDER

23-CV-09229 (PMH)

PHILIP M. HALPERN, United States District Judge:

A pre-motion conference was held on June 11, 2024. Counsel for all parties appeared by telephone. As discussed on the record, the Court heard argument on Plaintiff's contemplated motion for leave to amend the Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2).

The Court construed Plaintiff's pre-motion letter (Doc. 32) as its motion for leave to amend and Defendants' response letter (Doc. 33) as its opposition, and considering the parties' arguments thereto, granted the motion for leave to amend the Complaint. (*See* Transcript); *see In re Best Payphones, Inc.*, 450 F. App'x 8, 15 (2d Cir. 2011) (finding the Court did not abuse its discretion in construing the parties' letter-motions as the motions themselves, and ruling on them). Plaintiff is directed to file his First Amended Complaint by **June 14, 2024**. Defendants shall file their answer to the First Amended Complaint by **June 24, 2024**.

Additionally, Defendants may serve five additional interrogatories (above the twenty-five interrogatory limit) based on the amendment, as well as additional document requests as needed based on the amendment.

SO ORDERED:

Dated: White Plains, New York
June 11, 2024

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

PHILIP M. HALPERN
United States District Judge